

**REMARKS**

**I. CLAIM REJECTIONS UNDER U.S.C. § 102**

Claims 1, 14, 32-36, 40, and 54 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,657,450 (Rao). Applicants respectfully note that in order to sustain a rejection under § 102, each of the claim elements must be disclosed, either expressly or inherently, in the cited reference.

Claims, 1, 14, 32-36, 40, and 54 each recites tracing the execution of the workload *to identify a potential data conflict*, wherein the workload is executed on a single node before the workload is sent to a plurality of nodes for execution (Emphasis Added). Rao does not disclose or suggest such limitation. Rather the cited passages (column 2, lines 4-13, 28-35, and 45-50) disclose obtaining time estimates (i.e., not potential data conflict) for different operations. According to the Office Action, the cited passage, column 2, lines 1-53 allegedly discloses synthesizing time and estimating progress based on possible paths for an operation, which takes data conflict into account. Applicants respectfully disagree. There is nothing in the cited passage that discloses or suggest that the synthesizing of time and estimation of progress take into consideration of data conflict. The synthesizing of time, as described in Rao, is based on an operation model for the operation. It is understood that each operation model represents an operation that can be performed *without* data conflict, or otherwise, time estimate for the operation in the model would not be obtainable. Further, there is nothing in Rao that discloses or suggests potential data conflict, much less, identifying a potential data conflict by tracing an execution of workload. For at least the foregoing reasons, claims 1, 14, 32-36, 40, and 54, and their respective dependent claims, are believed allowable over Rao.

**II. CLAIM REJECTIONS UNDER U.S.C. § 103**

Claims 1-9, 11, 14-58, 60-63, 65, and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,405,257 (Gersht) in view of Rao.

As discussed, Rao does not disclose or suggest identifying a potential data conflict by tracing an execution of the workload on a single node before the workload is sent to a plurality of nodes for execution. Applicants respectfully note that Gersht fails to make up the deficiency present in Rao. In particular, the cited passage (column 2, lines 15-20) of Gersht discloses:

Specifically, each source node detects the beginning of a burst in the traffic that is accessing that source node. From the predetermined set of routes between the source-destination node pair and based on the peak packet rate, service class, and quality of service (Qos) requirements of the detected burst, the source node identifies a predetermined route for the burst.

As such, the cited passage of Gersht does not disclose or suggest *identifying a potential data conflict* by tracing the execution of the workload that is executed at the single node before the workload is sent to a plurality of nodes for execution. Since both Rao and Gersht fail to disclose the above limitation, they cannot be combined to form the resulting subject matter. For at least the foregoing reason, claims 1-9, 11, 14-58, 60-63, 65, and 66, are allowable over Gersht, Rao, and their combination.


**CONCLUSION**

Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011112001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011112001**.

Respectfully submitted,  
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